

**Notice of Allowability**

Application No.

09/688,289

Examiner

Nga B. Nguyen

Applicant(s)

PADINGHAM ET AL.

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on October 12, 2007.
2. ☒ The allowed claim(s) is/are 2,3,5,8-10,12,13,15-22,27 and 28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application                                |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance             |
|  | 9. <input type="checkbox"/> Other _____  |

### **DETAILED ACTION**

1. This Office Action is the answer to the Amendment filed on October 12, 2007, which paper has been placed of record in the file.
2. Claims **2, 3, 5, 8-10, 12, 13, 15-22, 27** and **28** are pending in this application.

#### ***Examiner's Amendment***

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in the interview with Mr. William Lee on December 14, 2007.

Amending claim 12 as: line 24, inserting "." after the word "seller"; line 25, deleting the phrase "wherein each software agent comprises".

#### ***Allowable Subject Matter/Reasons for Allowance***

4. Claims **2, 3, 5, 10, 12, 27** and **28** are allowed over the prior arts cited records.

The closest prior arts are:

1) Ojha (US 6,598,026) discloses methods and apparatus for facilitating a transaction between a buyer and one of a plurality of sellers via the Internet. Product information relating to a plurality of products meeting product criteria specified by the

buyer is presented via the Internet. One of the plurality of sellers is associated with each of the products. A first bid from the buyer for a first one of the plurality of products is made available via the Internet to a first seller associated with the first product. A first bid response is presented via the Internet to the buyer. The first bid response is automatically presented according to response criteria specified by the first seller. Alternatively, the first bid response is presented according to a manually entered communication received from a representative of the first seller. Where the first bid response is an acceptance of the first bid, consummation of the transaction is facilitated. Where the first bid response is a counteroffer, further negotiation via the Internet between the buyer and the first seller is enabled. Moreover, the buyer may conduct a number of simultaneous negotiations with different sellers for the same product or even multiple products. Ojha provides a mechanism is provided by which negotiations with a number of sellers may be automatically terminated when the buyer reaches an agreement with any one seller. The buyer may create a mutually exclusive group with which a plurality of outstanding bids and/or quote solicitations are associated. The buyer creates a mutually exclusive group by designating one of his shopping lists as such a group. When an agreement is reached on any one of the bids or quote solicitations, all other negotiations for the products in the group are automatically terminated. According to various embodiments, such a mutually exclusive group can correspond to a variety of product-seller combinations. That is, a mutually exclusive group can identify one product and multiple sellers, multiple products and multiple sellers, multiple products

and one seller, etc. This feature allows a buyer to place a number of simultaneous bids even though he intends to make only a single purchase.

2) Solomon (US 6,035,288) discloses simulating human merchants which have "a unique 'personality' which is tied to the type of goods sold by that merchant (column 1 lines 57 to 58). Their user "selects dialogue designed to get the merchant into the best possible 'mood' state in an effort to get the merchant to accept the user's offer" (column 1 lines 64 to 67). The system in Solomon describes that a merchant's mood may be calculated, for example using a customer's response. The new emotional state of the merchant determines the merchant's response to the customer's counter-offer (see, for example, Claim 4, first paragraph). For example, as discussed in relation to Figure 4 of Solomon, a merchant whose state is 'sad' receives a bid from a customer with an 'apologetic' stance. The intersection of these states yields a factor value of 353.812 from the matrix. When this vector is applied to the emotional model, it indicates a general transition towards the state of 'encouraged' (column 4 lines 50 to 55).

Therefore, it is clear from the description of Ohja's and Solomon's inventions that the prior arts do not considered the possibility of: a mapping for converting respective qualitative attributes for a part of a bid into numerical values representing the qualitative attributes and a weighting factor for each part of a bid; and a negotiation engine adapted to compute a single value for a bid by adjusting the numerical value using the weighting factor and summing the adjusted values, the single numerical value being

used to determine whether to accept the bid or not, as included in claims 2, 3, 5, 10, 12, 27, and 28.

5. Claims 19, 17, (8, 9, 18), 20, (13, 16, 21) and (15, 22), are allowed because they are dependent claims of the allowable independent claims 2, 3, 5, 10, 12 and 27 above, in that order.

### **Conclusion**

6. Claims 2, 3, 5, 8-10, 12, 13, 15-22, 27 and 28 are allowed.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Friday from 9:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria VA, 22131-1450

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Or faxed to:

(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-6796 (for informal or draft communication, please label

“PROPOSED” or “DRAFT”).

Hand-delivered responses should be brought to Knox Building, 501 Dulany  
Street, Alexandria, VA, First Floor (Receptionist).



NGA NGUYEN  
PRIMARY EXAMINER

December 7, 2007